

DENIS J. McINERNEY
Chief
CHARLES LA BELLA
Deputy Chief
THOMAS B.W. HALL
Trial Attorney
Fraud Section, Criminal Division
U.S. Department of Justice
1400 New York Avenue, NW
Washington, DC 20530
(202) 616-1682

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-o0o-

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARY ANN WATTS

Defendant.

2:11-cr-336-JCM-GWF

UNOPPOSED MOTION TO CONTINUE
SENTENCING

COMES NOW, the United States of America, by and through DENIS J. MCINERNEY, Chief, U.S. Department of Justice, Criminal Division, Fraud Section, and THOMAS B.W. HALL, Trial Attorney, U.S. Department of Justice, Criminal Division, Fraud Section, and moves to continue the sentencing hearing presently set for February 11, 2013, at the hour of 11:00 am.

The parties respectfully request this Honorable Court to continue the Sentencing Hearing until at least August 1, 2013 to allow time for the defendant to complete her cooperation or, in the alternative, to continue the Sentencing Hearings and set a status conference within 6 months to report to the Court on the on-going investigation and the defendant's cooperation in connection with the investigation.

1 This is the third request for a continuance of this Sentencing date.

2 Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following
3 reasons:

4 1. The defendant has entered a plea agreement with the United States that requires the
5 defendant to cooperate with the United States in connection with its on-going investigation of a
6 fraudulent scheme involving Las Vegas Home Owners Associations. The defendant has begun
7 to cooperate with the United States in this investigation, which involves a number of potential co-
8 conspirators and targets.

9 2. The defendant's Plea Agreement afford the defendant potential consideration for
10 downward departures at the time of sentencing if the defendant has provided substantial assistance
11 to the United States, including the possibility of a United States Sentencing Guideline (U.S.S.G.) §
12 5K1.1 Motion.

13 3. The United States anticipates future pleas, indictments and the possibility of one or
14 more trials of co-conspirators and targets. These events may allow the defendant the opportunity
15 to provide further cooperation as a witness, including the possibility of testifying at trial. However,
16 the United States expects the resolution of such cases, including any trials in any related
17 cases, to be at least 6 months from the defendant's current sentencing date.

18 4. Counsel for the United States has spoken with counsel for the defendant and counsel
19 has agreed that the requested continuance is in the best interest of justice and counsel does not
20 oppose the continuance sought herein. The defendant is not in custody but is under house arrest
21 (Doc. No. 20).

22 5. Denial of this request for continuance would deny the parties sufficient time and
23 opportunity to develop the defendant's cooperation against the related co-conspirators and targets
24 and prepare related cases for prosecution.

25 6. Furthermore, denial of this request for continuance could result in a miscarriage of
26 justice.

7. The United States also requests an order to exclude the additional time requested by this continuance in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

DATED this 11th day of December 2012.

Respectfully submitted,

DENIS J. MCINERNEY
Chief
United States Department of Justice
Criminal Division, Fraud Section

/s/ Thomas B.W. Hall
THOMAS B.W. HALL
Trial Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 -o0o-

4 UNITED STATES OF AMERICA,)

5 Plaintiff,)

6 v.)

7 MARY ANN WATTS)

8 Defendant.)
9
10

2:11-cr-336-JCM-GWF

ORDER: UNOPPOSED
MOTION TO CONTINUE SENTENCING

11 FINDINGS OF FACT

12 Based on the Government's pending Unopposed Motion to Continue Sentencing, and
13 good cause appearing therefore, the Court hereby finds that:

14 1. The parties are in agreement to continue the Sentencing date as presently scheduled.

15 2. This Court is convinced that an adequate showing has been made that to deny this
16 request for continuance, taking into account the exercise of due diligence, would deny the United
17 States sufficient time to be able to effectively prepare for the co-conspirator and target trials and
18 would bar the defendant from the opportunity to cooperate and potentially receive downward
19 departures at the time of sentencing. This decision is based on the following findings:

20 a. The defendant agreed in her plea agreements to cooperate against his coconspirators in
21 any related indictments and trials.

22 b. The United States agreed to consider downward sentencing concessions for the
23 defendant's cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance
24 resulted from such cooperation.

25 c. The United States anticipates several additional pleas, indictments and trials in related
26 cases, but not sooner than 6 months from now.

1 d. The parties need additional time to prepare the defendant's cooperation against other
2 co-conspirators and targets.

3 e. The defendant does not object to the continuance.

4 f. The defendant is out of custody (although under home arrest).


5 3. For all the above-stated reasons, the ends of justice would best be served by continuing
6 the Sentencing date.

7 4. The additional time requested by this Stipulation is excludable in computing the time
8 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. Section
9 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

10 **ORDER**

11 **IT IS THEREFORE ORDERED** that the Sentencing date currently set for February 11,
12 2013, is vacated and is continued. This delay is excluded from the time within which the trial must
13 commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A).
14 It is further ordered that the defendant's sentencing hearing is set for August 27, 2013 at the
15 hour of _ 9:30 ____ a.m., in Courtroom # 6A.

16
17
18 **DATED** December 13, 2012.

19
20
21 
22 UNITED STATES DISTRICT JUDGE

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

Defendant.

CERTIFICATE OF SERVICE

/S/ Thomas B.W. Hall
THOMAS B.W. Hall
Trial Attorney